United Nations A/C.6/66/L.13

General Assembly

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Sixty-sixth session
Sixth Committee
Agenda item 143
Administration of justice at the United Nations

Draft resolution

Code of conduct for the judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal

The General Assembly,

Recalling its resolution 62/228 of 22 December 2007, by which it decided that the Internal Justice Council should draft a code of conduct for the judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, for consideration by the General Assembly,

Having considered the reports of the Internal Justice Council submitted to the General Assembly at its sixty-fifth[1] and sixty-sixth[2] sessions, containing in the annexes thereto the draft text of a code of conduct for the judges of the Tribunals,

Expressing its appreciation to the Internal Justice Council for preparing the draft code of conduct for the judges,

Approves the code of conduct for the judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, as set out in the annex to the present resolution.

[1] A/65/86.
[2] A/66/158.

11-56765 (E) 281011

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Annex

Code of conduct for the judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal

Preamble

Whereas the Charter of the United Nations affirms, inter alia, the determination of Member States to establish conditions under which justice can be maintained to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms without any discrimination,

Whereas the Universal Declaration of Human Rights recognizes as fundamental the principle that everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of rights and obligations,

Whereas this right is endorsed and elaborated upon in a range of important international human rights instruments, including the International Covenant on Civil and Political Rights,

Whereas the General Assembly, in paragraph 4 of its resolution 61/261 of 4 April 2007, decided to establish an independent, transparent, professionalized, adequately resourced and decentralized system of administration of justice consistent with the relevant rules of international law and the principles of the rule of law and due process to ensure respect for the rights and obligations of staff members and the accountability of managers and staff members alike,

Whereas the fair resolution of employment grievances will contribute to efficiency in the work carried out by the United Nations and enhance the integrity of the Organization,

Whereas public confidence in the internal justice system and in the moral authority and integrity of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal is of the utmost importance within the working environment of the United Nations,

Whereas it is essential that judges, individually and collectively, respect and honour judicial office as a public trust, and strive to enhance and maintain confidence in the internal justice system,

And whereas the United Nations Basic Principles on the Independence of the Judiciary are designed to secure and promote the independence of judicial bodies, and can provide guidance to the internal administration of justice,

The following values and principles are adopted to establish standards for the conduct of the judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, to provide guidance to those judges and intended also to assist the staff and management of the United Nations to better understand and support the work of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal within the United Nations:

1. Independence

(a) Judges must uphold the independence and integrity of the internal justice system of the United Nations and must act independently in the performance of their

duties, free of any inappropriate influences, inducements, pressures or threats from any party or quarter;

(b) In order to protect the institutional independence of the Tribunals, Judges must take all reasonable steps to ensure that no person, party, institution or State interferes, directly or indirectly, with the Tribunals;

2. Impartiality

(a) Judges must act without fear, favour, or bias in all matters that they adjudicate;

(b) Judges must ensure that their conduct at all times maintains the confidence of all in the impartiality of the Tribunals;

(c) Judges must recuse themselves from a case if

(i) They have a conflict of interest;

(ii) It may reasonably appear to a properly informed person that they have a conflict of interest;

(iii) They have personal knowledge of disputed evidentiary facts concerning the proceedings;

(d) Judges must not recuse themselves on insubstantial grounds. Judges must provide reasons when they decide an application for recusal;

(e) Judges must disclose to the parties in good time any matter that could reasonably be perceived to give rise to an application for recusal in a particular matter;

(f) Judges must not participate in the determination of a case in which any member of their family is a litigant or represents a litigant, or in the outcome of which any member of their family has a significant interest;

(g) In order to determine whether they should recuse themselves from any matter, judges must be aware of their personal and fiduciary financial interests and shall, as far as reasonably possible, make efforts to be informed about the financial interests of members of their immediate families;

(h) (i) Judges must not directly or indirectly negotiate or accept any remuneration, income, compensation, gift, advantage or privilege that is incompatible with judicial office or that can reasonably be perceived either as a reward or as likely to influence them in favour of a particular party;

(ii) Judges may receive a token gift, decoration, award or benefit that does not result in the incompatibility or reasonable perception referred to in subparagraph (i);

(i) Judges must not engage in financial, political or business dealings or activities, including fund-raising activities, that are inconsistent with, and reflect adversely upon, the independence and impartiality required by their status as judges, that may reasonably be perceived to exploit the judge's judicial position, or that are in any other way incompatible with judicial office in the United Nations;

3. Integrity

(a) Judges must be of high moral character and always, and not only in the discharge of their duties, act honourably and in accordance with the values and principles set out in the present Code;

(b) Judges at all times, including periods when they are not on official business, must comply with the law of the country in which they live, work or visit;

(c) Judges must inform the presiding judge of their Tribunal should they suffer from an illness or other condition that might threaten the performance of their duties;

4. Propriety

(a) Judges must exhibit and promote high standards of judicial conduct to reinforce confidence in the integrity of the administration of justice in the United Nations;

(b) Save in the discharge of judicial office, judges must not comment publicly on the merits of any case pending before the Tribunals or make any comment that might reasonably be expected to affect the outcome of such proceedings or impair the manifest fairness of the process;

(c) Judges are bound by professional duties of confidentiality with regard to deliberations with judicial colleagues and confidential information acquired in the course of their duties;

(d) Judges, like other citizens, are entitled to freedom of expression, belief, association and assembly, but must exercise these freedoms with due regard to the values and principles set out in the present Code;

(e) Judges must not use or lend the prestige of judicial office to advance the private interests of the judge, a member of the judge's family or anyone else, nor shall judges convey the impression that anyone is in a position to influence them improperly;

(f) In their personal relations with individual staff members who are parties, legal representatives and others who appear regularly in the Tribunal presided over by them, judges must avoid situations which might give rise to the reasonable apprehension of favouritism or partiality;

(g) Full-time judges of the United Nations Dispute Tribunal must not practise law, but may give informal advice to family members, friends, charitable organizations and the like without remuneration;

(h) Judges should use their best endeavours to foster collegiality in the Tribunals. In so doing they must act courteously and respect the dignity of others, including members of the Tribunal staff;

(i) Judges may form or join associations of judges;

(j) Subject to the proper and effective performance of judicial duties, a judge may engage in any lawful activity as long as it does not bring judicial office in the United Nations into disrepute in the mind of reasonable members of the community;

5. Transparency

Judges must observe the principle of open justice, namely that justice must be seen to be done, and take reasonable steps to ensure that this principle is honoured in the manner in which cases before the Tribunals are handled;

6. Fairness in the conduct of proceedings

(a) Judges must resolve disputes by making findings of fact and applying the appropriate law in fair proceedings. This includes the duty to

(i) Observe the letter and spirit of the *audi alteram partem* ("hear the other side") rule;

(ii) Remain manifestly impartial;

(iii) Publish reasons for any decision;

(b) Judges must not conduct themselves in a manner that is racist, sexist, or otherwise discriminatory. They must uphold and respect the principles set out in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Judges must not by word or conduct unfairly discriminate against any individual or group of individuals, or abuse the power and authority vested in them;

(c) Judges must not permit Tribunal staff or legal representatives appearing before the Tribunals, or others under their direction or control, to act in a manner that is racist, sexist, or otherwise discriminatory;

(d) Judges have a duty to protect witnesses and parties from harassment and bullying during Tribunal proceedings;

(e) When conducting judicial proceedings, judges must act courteously to legal representatives, parties, witnesses, Tribunal staff, judicial colleagues and the public, and require them to act courteously;

7. Competence and diligence

(a) Judges perform all assigned judicial duties, including tasks relevant to the judicial office or the operation of the Tribunals, diligently and dispose of judicial work promptly in an efficient and professional manner;

(b) Judges must give judgement or rulings in a case promptly. Judgements should be given no later than three months from the end of the hearing or the close of pleadings or, in the case of the United Nations Appeals Tribunal, from the end of the session in which the matter is decided, unless there are exceptional circumstances;

(c) Judges must cooperate with any formal inquiry into their conduct in office;

(d) Judges must not engage in conduct that is prejudicial to the effective and expeditious administration of justice or the work of the Tribunal;

(e) When engaged in the administration of justice, judges must attend chambers during their normal working hours, as determined by the members of the Tribunal, and attend hearings and deliberations of the Tribunal during stipulated

hours, unless they have a good reason not to do so. Judges must inform the presiding judge of the Tribunal in advance if they need to be absent. If they are to be absent for longer than three days, they must obtain the approval of the presiding judge of their Tribunal;

(f) Judges must respect and comply with the reasonable administrative requests of the presiding judge of the Tribunal of which they are members;

(g) Judges must take reasonable steps to maintain the necessary level of professional competence and to keep themselves informed about relevant developments in international administrative and employment law, as well as international human rights norms;

(h) Judges' judicial duties must take precedence over other duties and activities.

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Sixty-sixth session
Sixth Committee
Agenda item 143
Administration of Justice at the United Nations

Draft resolution

Amendments to the rules of procedure of the United Nations Appeals Tribunal

The General Assembly,

Recalling its resolution 63/253 of 24 December 2008, by which it adopted the statutes of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, as set out in annexes I and II to that resolution,

Recalling also article 7, paragraph 1, of the statute of the United Nations Dispute Tribunal and article 6, paragraph 1, of the statute of the United Nations Appeals Tribunal,

Recalling further article 37, paragraphs 1 and 2, of the rules of procedure of the United Nations Dispute Tribunal,[1] as well as article 32, paragraphs 1 and 2, of the rules of procedure of the United Nations Appeals Tribunal,[2]

Having considered the reports of the Secretary-General on the amendments to the rules of procedure of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal,[3]

Approves the amendments to the rules of procedure of the United Nations Appeals Tribunal, as set out in the annex to the present resolution.

[1] Resolution 64/119, annex I.
[2] Ibid., annex II.
[3] A/66/86 and Add.1.

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Annex

Amendments to the rules of procedure of the United Nations Appeals Tribunal

Article 4
Panels

2. When the President or any two judges sitting on a particular case consider that the case so warrants, the case shall be heard by the whole Appeals Tribunal. If there is a tie in the voting by the judges of the whole Appeals Tribunal, the President shall have a casting vote.

Article 9
Answers, cross-appeals and answers to cross-appeals

4. Within 45 days of notification of the appeal, a party answering the appeal may file a cross-appeal, accompanied by a brief which shall not exceed 15 pages, with the Appeals Tribunal stating the relief sought and the grounds of the cross-appeal. The cross-appeal may not add new claims.

5. The provisions of article 9.1 to 9.3 and 9.5 apply, mutatis mutandis, to a cross-appeal and answer to a cross-appeal.

Article 18 *bis*
Case management

1. The President may, at any time, either on a motion of a party or of his or her own volition, issue any order which appears to be appropriate for the fair and expeditious management of the case and to do justice to the parties.

2. If, before the opening date of the session during which the case is to be considered, the appellant informs the Appeals Tribunal, in writing, with notice to the respondent, that he or she wishes to discontinue the proceedings, the President may order the case to be removed from the register.

3. If an action has become devoid of purpose and there is no longer any need to adjudicate it, the President may, at any time, of his or her own volition, after having informed the parties of that intention and, if applicable, received their observations, adopt a reasoned order.

4. The President may designate a judge or a panel of judges to issue any order within the purview of this article.

Article 19
Adoption and issuance of judgements

2. Judgements shall be issued in writing and shall state the reasons, facts and law on which they are based. Summary judgements may be issued at any time, even when the Appeals Tribunal is not in session. They shall be adopted by panels of three judges designated by the President.

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Sixty-sixth session
Sixth Committee
Agenda item 80
United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

Draft resolution

United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

The General Assembly,

Recalling its resolution 2099 (XX) of 20 December 1965, in which it established the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law to contribute towards a better knowledge of international law as a means of strengthening international peace and security and promoting friendly relations and cooperation among States,

Reaffirming that the Programme of Assistance is a core activity of the United Nations and that it has provided the foundation for the efforts of the United Nations to promote a better knowledge of international law for nearly half a century,

Reaffirming also that the increasing demand for international law training and dissemination activities creates new challenges for the Programme of Assistance,

Recognizing the importance of the Programme of Assistance effectively reaching its beneficiaries, including with regard to languages, while bearing in mind limitations on available resources,

Taking note with appreciation of the report of the Secretary-General on the implementation of the Programme of Assistance[1] and the views of the Advisory Committee on the Programme of Assistance, which are contained in that report,

Noting with concern the reduction in the programme budget for the biennium 2010-2011 for fellowships for the benefit of developing countries indicated in the report of the Secretary-General, notwithstanding its resolutions 64/113 of 16 December 2009 and 65/25 of 6 December 2010,

[1] A/66/505.

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Considering that international law should occupy an appropriate place in the teaching of legal disciplines at all universities,

Convinced that States, international and regional organizations, universities and institutions should be encouraged to give further support to the Programme of Assistance and to increase their activities to promote the teaching, study, dissemination and wider appreciation of international law, in particular those activities which are of special benefit to persons from developing countries,

Reaffirming that in the conduct of the Programme of Assistance it would be desirable to use as far as possible the resources and facilities made available by Member States, international and regional organizations, universities, institutions and others,

Reaffirming also the hope that, in appointing lecturers for the seminars to be held within the framework of the fellowship programmes in international law, account would be taken of the need to secure the representation of major legal systems and balance among various geographical regions,

1. *Approves* the guidelines and recommendations contained in section III of the report of the Secretary-General, in particular those designed to strengthen and revitalize the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law in response to the increasing demand for international law training and dissemination activities;

2. *Authorizes* the Secretary-General to carry out, in 2012 and 2013, the activities specified in his report,[1] in accordance with the guidelines and recommendations contained therein, including the provision of:

(a) A number of fellowships, to be determined in the light of the overall resources for the Programme of Assistance and to be awarded to qualified candidates from developing countries, to attend the International Law Fellowship Programme in The Hague in 2012 and 2013;

(b) A number of fellowships, to be determined in the light of the overall resources for the Programme of Assistance and to be awarded to qualified candidates from developing countries, to attend regional courses in international law in 2012 and 2013;

and to finance the above activities from provisions in the regular budget as well as, when necessary, from voluntary financial contributions for these fellowships, which would be received as a result of the requests set out in paragraphs 18 to 20 below;

3. *Also authorizes* the Secretary-General to award a minimum of one scholarship in 2012 and 2013 under the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, subject to the availability of voluntary contributions made for this fellowship, and in this regard calls upon States, intergovernmental organizations, international financial institutions, donor agencies, non-governmental organizations and natural and juridical persons to make voluntary contributions specifically for this fellowship;

4. *Further authorizes* the Secretary-General to continue and further develop the United Nations Audiovisual Library of International Law as a major contribution to the teaching and dissemination of international law around the world, and to continue to finance this activity from provisions in the regular budget as well as,

when necessary, from voluntary financial contributions, which would be received as a result of the requests set out in paragraphs 18 and 19 below;

5. *Expresses its appreciation* to the Secretary-General for the efforts to strengthen, expand and enhance the international law training and dissemination activities within the framework of the Programme of Assistance in 2011;

6. *Requests* the Secretary-General to consider admitting, for participation in the various components of the Programme of Assistance, candidates from countries willing to bear the entire cost of such participation;

7. *Also requests* the Secretary-General to provide to the programme budget for the next and future bienniums the necessary resources for the Programme of Assistance to ensure the continued effectiveness and further development of the Programme, in particular the organization of regional courses in international law on a regular basis and the viability of the United Nations Audiovisual Library of International Law;

8. *Recognizes* the importance of the United Nations legal publications prepared by the Office of Legal Affairs of the Secretariat, and strongly encourages their continued publication in various formats, including hard copy publications, which are essential for developing countries;

9. *Welcomes* the efforts undertaken by the Office of Legal Affairs to bring up to date the United Nations legal publications, and, in particular, commends the Codification Division of the Office of Legal Affairs for its desktop publishing initiative, which has greatly enhanced the timely issuance of its legal publications and has made possible the preparation of legal training materials;

10. *Encourages* the Office of Legal Affairs to continue to maintain and expand its websites listed in the annex to the report of the Secretary-General[1] as an invaluable tool for the dissemination of international law materials as well as for advanced legal research;

11. *Encourages* the use of interns and research assistants for the preparation of materials for the United Nations Audiovisual Library of International Law;

12. *Welcomes* the training and technical assistance activities in international law undertaken by the Office of Legal Affairs within the framework of the Programme of Assistance, as described in the report of the Secretary-General, and encourages the continuation of such activities within available resources;

13. *Commends* the Codification Division for the cost-saving measures undertaken with regard to the International Law Fellowship Programme to maintain the number of fellowships available for this comprehensive international law training programme;

14. *Expresses its appreciation* to The Hague Academy of International Law for the valuable contribution it continues to make to the Programme of Assistance, which has enabled candidates under the International Law Fellowship Programme to attend and participate in the Fellowship Programme in conjunction with the Academy courses;

15. *Notes with appreciation* the contributions of The Hague Academy to the teaching, study, dissemination and wider appreciation of international law, and calls upon Member States and interested organizations to give favourable consideration to

the appeal of the Academy for a continuation of support and a possible increase in their financial contributions, to enable the Academy to carry out its activities, particularly those relating to the summer courses, regional courses and programmes of the Centre for Studies and Research in International Law and International Relations;

16. *Welcomes* the efforts of the Codification Division to revitalize and conduct regional courses in international law as an important training activity;

17. *Expresses its appreciation* to Ethiopia and Thailand for offering to host regional courses in international law in 2012 and to Mexico for offering to host a regional course in international law in 2013, subject to adequate funding from the overall resources referred to in paragraph 2 above;

18. *Requests* the Secretary-General to continue to publicize the Programme of Assistance and periodically to invite Member States, universities, philanthropic foundations and other interested national and international institutions and organizations, as well as individuals, to make voluntary contributions towards the financing of the Programme or otherwise to assist in its implementation and possible expansion;

19. *Reiterates its request* to Member States and interested organizations, institutions and individuals to make voluntary contributions, inter alia, for the International Law Fellowship Programme and the United Nations Audiovisual Library of International Law, and expresses its appreciation to those Member States, institutions and individuals that have made voluntary contributions for this purpose;

20. *Urges*, in particular, all Governments to make voluntary contributions for the regional courses in international law organized by the Codification Division as an important complement to the International Law Fellowship Programme, thus alleviating the burden on prospective host countries and making it possible to conduct the regional courses on a regular basis;

21. *Decides* to appoint twenty-five Member States, six from African States, five from Asia-Pacific States, three from Eastern European States, five from Latin American and Caribbean States and six from Western European and other States, as members of the Advisory Committee on the Programme of Assistance for a period of four years beginning on 1 January 2012;[2]

22. *Requests* the Secretary-General, following consultations with the Advisory Committee on the Programme of Assistance, to submit recommendations regarding the execution of the Programme of Assistance in subsequent years;

23. *Decides* to include in the provisional agenda of its sixty-seventh session the item entitled "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law".

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[2] The following States have been appointed members of the Advisory Committee on the Programme of Assistance: Canada, Cyprus, Czech Republic, France, Germany, Iran (Islamic Republic of), Italy, Lebanon, Malaysia, Pakistan, Portugal, Russian Federation, Ukraine and United States of America.

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Sixth Committee
Agenda item 78
Criminal accountability of United Nations officials and experts on mission

Draft resolution

Criminal accountability of United Nations officials and experts on mission

The General Assembly,

Recalling its resolution 59/281 of 29 March 2005, in which it endorsed the recommendation of the Special Committee on Peacekeeping Operations that the Secretary-General make available to the United Nations membership a comprehensive report on the issue of sexual exploitation and abuse in United Nations peacekeeping operations,[1]

Recalling also that the Secretary-General, on 24 March 2005, transmitted to the President of the General Assembly a report of his Adviser concerning sexual exploitation and abuse by United Nations peacekeeping personnel,[2]

Recalling further its resolution 59/300 of 22 June 2005, in which it endorsed the recommendation of the Special Committee on Peacekeeping Operations that a group of legal experts be established to provide advice on the best way to proceed so as to ensure that the original intent of the Charter of the United Nations can be achieved, namely that United Nations staff and experts on mission would never be effectively exempt from the consequences of criminal acts committed at their duty station, nor unjustly penalized without due process,[3]

Recognizing the valuable contribution of United Nations officials and experts on mission towards the fulfilment of the principles and purposes of the Charter,

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[1] See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 19* (A/59/19/Rev.1), part one, chap. III, sect. D, para. 56.

[2] See A/59/710.

[3] See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 19* (A/59/19/Rev.1), part two, chap. II, sect. N, para. 40 (a).

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Reaffirming the need to promote and ensure respect for the principles and rules of international law,

Reaffirming also that the present resolution is without prejudice to the privileges and immunities of United Nations officials and experts on mission and the United Nations under international law,

Reaffirming further the obligation of United Nations officials and experts on mission to respect the national laws of the host State, as well as the right of the host State to exercise, where applicable, its criminal jurisdiction, in accordance with the relevant rules of international law and agreements governing operations of United Nations missions,

Deeply concerned by reports of criminal conduct, and conscious that such conduct, if not investigated and, as appropriate, prosecuted, would create the negative impression that United Nations officials and experts on mission operate with impunity,

Reaffirming the need to ensure that all United Nations officials and experts on mission function in a manner that preserves the image, credibility, impartiality and integrity of the United Nations,

Emphasizing that crimes committed by such persons are unacceptable and have a detrimental effect on the fulfilment of the mandate of the United Nations, in particular with respect to the relations between the United Nations and the local population in the host country,

Conscious of the importance of protecting the rights of victims of criminal conduct, as well as of ensuring adequate protection for witnesses, and recalling the adoption of its resolution 62/214 of 21 December 2007 on the United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel,

Emphasizing the need to enhance international cooperation to ensure the criminal accountability of United Nations officials and experts on mission,

Recalling its resolution 61/29 of 4 December 2006, by which it established the Ad Hoc Committee on criminal accountability of United Nations officials and experts on mission,

Having considered at its previous sessions the report of the Group of Legal Experts established by the Secretary-General pursuant to its resolution 59/300[4] and the reports of the Ad Hoc Committee,[5] as well as the note by the Secretariat[6] and the reports of the Secretary-General[7] on criminal accountability of United Nations officials and experts on mission,

Recalling its resolutions 62/63 of 6 December 2007, 63/119 of 11 December 2008, 64/110 of 16 December 2009 and 65/20 of 6 December 2010,

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[4] See A/60/980.

[5] *Official Records of the General Assembly, Sixty-second Session, Supplement No. 54* (A/62/54), and ibid., *Sixty-third Session, Supplement No. 54* (A/63/54).

[6] A/62/329.

[7] A/63/260 and Add.1, A/64/183 and Add.1 and A/65/185.

Recalling also its decision that, bearing in mind its resolutions 62/63 and 63/119, the consideration of the report of the Group of Legal Experts, in particular its legal aspects, taking into account the views of Member States and the information contained in the note by the Secretariat, shall be continued during its sixty-seventh session in the framework of a working group of the Sixth Committee,

Convinced of the continuing need for the United Nations and its Member States to urgently take strong and effective steps to ensure the criminal accountability of United Nations officials and experts on mission in the interest of justice,

1. *Takes note* of the report of the Secretary-General;[8]

2. *Strongly urges* States to take all appropriate measures to ensure that crimes by United Nations officials and experts on mission do not go unpunished and that the perpetrators of such crimes are brought to justice, without prejudice to the privileges and immunities of such persons and the United Nations under international law, and in accordance with international human rights standards, including due process;

3. *Strongly urges* all States to consider establishing to the extent that they have not yet done so jurisdiction, particularly over crimes of a serious nature, as known in their existing domestic criminal laws, committed by their nationals while serving as United Nations officials or experts on mission, at least where the conduct as defined in the law of the State establishing jurisdiction also constitutes a crime under the laws of the host State;

4. *Encourages* all States to cooperate with each other and with the United Nations in the exchange of information and in facilitating the conduct of investigations and, as appropriate, the prosecution of United Nations officials and experts on mission who are alleged to have committed crimes of a serious nature, in accordance with their domestic laws and applicable United Nations rules and regulations, fully respecting due process rights, as well as to consider strengthening the capacities of their national authorities to investigate and prosecute such crimes;

5. *Also encourages* all States:

(a) To afford each other assistance in connection with criminal investigations or criminal or extradition proceedings in respect of crimes of a serious nature committed by United Nations officials and experts on mission, including assistance in obtaining evidence at their disposal, in accordance with their domestic law or any treaties or other arrangements on extradition and mutual legal assistance that may exist between them;

(b) In accordance with their domestic law, to explore ways and means of facilitating the possible use of information and material obtained from the United Nations for purposes of criminal proceedings initiated in their territory for the prosecution of crimes of a serious nature committed by United Nations officials and experts on mission, bearing in mind due process considerations;

(c) In accordance with their domestic law, to provide effective protection for victims of, witnesses to, and others who provide information in relation to, crimes of a serious nature alleged to have been committed by United Nations officials and

[8] A/66/174 and Add.1.

experts on mission and to facilitate access by victims to victim assistance programmes, without prejudice to the rights of the alleged offender, including those relating to due process;

(d) In accordance with their domestic law, to explore ways and means of responding adequately to requests by host States for support and assistance in order to enhance their capacity to conduct effective investigations in respect of crimes of a serious nature alleged to have been committed by United Nations officials and experts on mission;

6. *Requests* the Secretariat to continue to ensure that requests to Member States seeking personnel to serve as experts on mission make States aware of the expectation that persons who serve in that capacity should meet high standards in their conduct and behaviour and be aware that certain conduct may amount to a crime for which they may be held accountable;

7. *Urges* the Secretary-General to continue to take such other practical measures as are within his authority to strengthen existing training on United Nations standards of conduct, including through predeployment and in-mission induction training for United Nations officials and experts on mission;

8. *Reiterates* its decision that, bearing in mind its resolutions 62/63 and 63/119, the consideration of the report of the Group of Legal Experts, in particular its legal aspects,[4] taking into account the views of Member States and the information contained in the note by the Secretariat,[6] shall be continued during its sixty-seventh session in the framework of a working group of the Sixth Committee, and, for that purpose, invites further comments from Member States on that report, including on the question of future action;

9. *Requests* the Secretary-General to bring credible allegations that reveal that a crime may have been committed by United Nations officials or experts on mission to the attention of the States against whose nationals such allegations are made and to request from those States an indication of the status of their efforts to investigate and, as appropriate, prosecute crimes of a serious nature, as well as the types of appropriate assistance that States may wish to receive from the Secretariat for the purposes of such investigations and prosecutions;

10. *Urges* States to provide to the Secretary-General at the appropriate time information on their handling of the credible allegations brought to their attention by the Secretary-General in accordance with paragraph 9 above;

11. *Requests* the United Nations, when its investigations into allegations suggest that crimes of a serious nature may have been committed by United Nations officials or experts on mission, to consider any appropriate measures that may facilitate the possible use of information and material for purposes of criminal proceedings initiated by States, bearing in mind due process considerations;

12. *Encourages* the United Nations, when allegations against United Nations officials or experts on mission are determined by a United Nations administrative investigation to be unfounded, to take appropriate measures, in the interests of the Organization, to restore the credibility and the reputation of such officials and experts on mission;

13. *Urges* the United Nations to continue cooperating with States exercising jurisdiction in order to provide them, within the framework of the relevant rules of

international law and agreements governing activities of the United Nations, with information and material for purposes of criminal proceedings initiated by States;

14. *Emphasizes* that the United Nations, in accordance with the applicable rules of the Organization, should take no action that would retaliate against or intimidate United Nations officials and experts on mission who report allegations concerning crimes of a serious nature committed by United Nations officials and experts on mission;

15. *Takes note with appreciation* of the information provided by Governments in response to its resolutions 62/63, 63/119, 64/110 and 65/20, and urges Governments to continue taking the measures necessary for the implementation of those resolutions, including their provisions addressing the establishment of jurisdiction, particularly over crimes of a serious nature, as known in their existing domestic criminal laws, committed by their nationals while serving as United Nations officials or experts on mission, as well as cooperation among States, and to provide specific details thereon, in particular with respect to paragraph 3, in the information provided to the Secretary-General;

16. *Reiterates its request* to the Secretary-General to report to the General Assembly at its sixty-seventh session on the implementation of the present resolution, in particular with respect to paragraphs 3, 5, 8 and 9 above, as well as any practical problems in its implementation, on the basis of information received from Governments and the Secretariat;

17. *Requests* the Secretary-General to include in his report information on the number and types of credible allegations and any actions taken by the United Nations and its Member States regarding crimes of a serious nature committed by United Nations officials and experts on mission, including information on efforts made to ensure the completeness of incident reporting;

18. *Decides* to include in the provisional agenda of its sixty-seventh session the item entitled "Criminal accountability of United Nations officials and experts on mission".

United Nations A/C.6/66/L.17

General Assembly

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Sixty-sixth session
Sixth Committee
Agenda item 82
Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Egypt: draft resolution

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

The General Assembly,

Recalling its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions,

Recalling also its resolution 47/233 of 17 August 1993 on the revitalization of the work of the General Assembly,

Recalling further its resolution 47/62 of 11 December 1992 on the question of equitable representation on and increase in the membership of the Security Council,

Taking note of the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council,[1]

Recalling the elements relevant to the work of the Special Committee contained in its resolution 47/120 B of 20 September 1993,

Recalling also its resolution 51/241 of 31 July 1997 on the strengthening of the United Nations system and its resolution 51/242 of 15 September 1997, entitled "Supplement to an Agenda for Peace", by which it adopted the texts on coordination and the question of sanctions imposed by the United Nations, which are annexed to that resolution,

[1] *Official Records of the General Assembly, Sixty-third Session, Supplement No. 47* (A/63/47).

Please recycle

Concerned about the special economic problems confronting certain States arising from the carrying out of preventive or enforcement measures taken by the Security Council against other States, and taking into account the obligation of Members of the United Nations under Article 49 of the Charter of the United Nations to join in affording mutual assistance in carrying out the measures decided upon by the Council,

Recalling the right of third States confronted with special economic problems of that nature to consult the Security Council with regard to a solution of those problems, in accordance with Article 50 of the Charter,

Recalling also that the International Court of Justice is the principal judicial organ of the United Nations, and reaffirming its authority and independence,

Mindful of the adoption of the revised working papers on the working methods of the Special Committee,[2]

Taking note of the report of the Secretary-General entitled "*Repertory of Practice of United Nations Organs* and *Repertoire of the Practice of the Security Council*",[3]

Taking note also of paragraphs 106 to 110, 176 and 177 of the 2005 World Summit Outcome,[4]

Mindful of the decision of the Special Committee in which it expressed its readiness to engage, as appropriate, in the implementation of any decisions that might be taken at the high-level plenary meeting of the sixtieth session of the General Assembly in September 2005 that concerned the Charter and any amendments thereto,[5]

Recalling the provisions of its resolutions 50/51 of 11 December 1995, 51/208 of 17 December 1996, 52/162 of 15 December 1997, 53/107 of 8 December 1998, 54/107 of 9 December 1999, 55/157 of 12 December 2000, 56/87 of 12 December 2001, 57/25 of 19 November 2002, 58/80 of 9 December 2003 and 59/45 of 2 December 2004,

Recalling also its resolution 64/115 of 16 December 2009 and the document entitled "Introduction and implementation of sanctions imposed by the United Nations" annexed thereto,

Having considered the report of the Special Committee on the work of its session held in 2011,[6]

Noting with appreciation the work done by the Special Committee to encourage States to focus on the need to prevent and to settle peacefully their disputes which are likely to endanger the maintenance of international peace and security,

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[2] Ibid., *Sixty-first Session, Supplement No. 33* (A/61/33), para. 72.

[3] A/66/201.

[4] See resolution 60/1.

[5] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 33* (A/60/33), para. 77.

[6] Ibid., *Sixty-sixth Session, Supplement No. 33* (A/66/33).

1. *Takes note* of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;[6]

2. *Decides* that the Special Committee shall hold its next session from 21 to 28 February and on 1 March 2012;

3. *Requests* the Special Committee, at its session in 2012, in accordance with paragraph 5 of General Assembly resolution 50/52 of 11 December 1995:

(a) To continue its consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations and, in this context, to consider other proposals relating to the maintenance of international peace and security already submitted or which may be submitted to the Special Committee at its session in 2012;

(b) To continue to consider, on a priority basis and in an appropriate substantive manner and framework, the question of the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter based on all of the related reports of the Secretary-General[7] and the proposals submitted on the question;

(c) To keep on its agenda the question of the peaceful settlement of disputes between States;

(d) To consider, as appropriate, any proposal referred to it by the General Assembly in the implementation of the decisions of the high-level plenary meeting of the sixtieth session of the Assembly in September 2005 that concern the Charter and any amendments thereto;

(e) To continue to consider, on a priority basis, ways and means of improving its working methods and enhancing its efficiency with a view to identifying widely acceptable measures for future implementation;

4. *Invites* the Special Committee, at its session in 2012, to continue to identify new subjects for consideration in its future work with a view to contributing to the revitalization of the work of the United Nations;

5. *Notes* the readiness of the Special Committee to provide, within its mandate, such assistance as may be sought at the request of other subsidiary bodies of the General Assembly in relation to any issues before them;

6. *Requests* the Special Committee to submit a report on its work to the General Assembly at its sixty-seventh session;

7. *Recognizes* the important role of the International Court of Justice, the principal judicial organ of the United Nations, in adjudicating disputes among States and the value of its work, as well as the importance of having recourse to the Court in the peaceful settlement of disputes, takes note, consistent with Article 96 of the Charter, of the Court's advisory jurisdiction that may be requested by the General

[7] A/48/573-S/26705, A/49/356, A/50/60-S/1995/1, A/50/361, A/50/423, A/51/317, A/52/308, A/53/312, A/54/383 and Add.1, A/55/295 and Add.1, A/56/303, A/57/165 and Add.1, A/58/346, A/59/334, A/60/320, A/61/304, A/62/206 and Corr.1, A/63/224, A/64/225, A/65/217 and A/66/213.

Assembly, the Security Council or other authorized organs of the United Nations and the specialized agencies, and requests the Secretary-General to distribute, in due course, the advisory opinions requested by the principal organs of the United Nations as official documents of the United Nations;

8. *Commends* the Secretary-General for the progress made in the preparation of studies of the *Repertory of Practice of United Nations Organs*, including the increased use of the internship programme of the United Nations and further expanded cooperation with academic institutions for this purpose, as well as the progress made towards updating the *Repertoire of the Practice of the Security Council*;

9. *Notes with appreciation* the contributions made by Member States to the trust fund for the updating of the *Repertoire*, as well as the trust fund for the elimination of the backlog in the *Repertory*;

10. *Reiterates its call* for voluntary contributions to the trust fund for the updating of the *Repertoire*, voluntary contributions to the trust fund for the elimination of the backlog in the *Repertory* so as to further support the Secretariat in carrying out the effective elimination of that backlog, as well as the sponsoring, on a voluntary basis, and with no cost to the United Nations, of associate experts to assist in the updating of the two publications;

11. *Calls upon* the Secretary-General to continue his efforts towards updating the two publications and making them available electronically in all their respective language versions and to continue to address, in particular, the backlog in the preparation of volume III of the *Repertory*;

12. *Reiterates* the responsibility of the Secretary-General for the quality of the *Repertory* and the *Repertoire*, and, with regard to the *Repertoire*, calls upon the Secretary-General to continue to follow the modalities outlined in paragraphs 102 to 106 of the report of the Secretary-General of 18 September 1952;[8]

13. *Requests* the Secretary-General to submit to the General Assembly, at its sixty-seventh session, a report on both the *Repertory* and the *Repertoire*;

14. *Also requests* the Secretary-General to brief the Special Committee at its next session on the information referred to in paragraph 11 of his report on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions;[9]

15. *Further requests* the Secretary-General to submit to the General Assembly, at its sixty-seventh session, under the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization", a report on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions;

16. *Decides* to include in the provisional agenda of its sixty-seventh session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

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[8] A/2170.

[9] A/66/213.

Concerned about the special economic problems confronting certain States arising from the carrying out of preventive or enforcement measures taken by the Security Council against other States, and taking into account the obligation of Members of the United Nations under Article 49 of the Charter of the United Nations to join in affording mutual assistance in carrying out the measures decided upon by the Council,

Recalling the right of third States confronted with special economic problems of that nature to consult the Security Council with regard to a solution of those problems, in accordance with Article 50 of the Charter,

Recalling also that the International Court of Justice is the principal judicial organ of the United Nations, and reaffirming its authority and independence,

Mindful of the adoption of the revised working papers on the working methods of the Special Committee,[2]

Taking note of the report of the Secretary-General entitled "*Repertory of Practice of United Nations Organs* and *Repertoire of the Practice of the Security Council*",[3]

Taking note also of paragraphs 106 to 110, 176 and 177 of the 2005 World Summit Outcome,[4]

Mindful of the decision of the Special Committee in which it expressed its readiness to engage, as appropriate, in the implementation of any decisions that might be taken at the high-level plenary meeting of the sixtieth session of the General Assembly in September 2005 that concerned the Charter and any amendments thereto,[5]

Recalling the provisions of its resolutions 50/51 of 11 December 1995, 51/208 of 17 December 1996, 52/162 of 15 December 1997, 53/107 of 8 December 1998, 54/107 of 9 December 1999, 55/157 of 12 December 2000, 56/87 of 12 December 2001, 57/25 of 19 November 2002, 58/80 of 9 December 2003 and 59/45 of 2 December 2004,

Recalling also its resolution 64/115 of 16 December 2009 and the document entitled "Introduction and implementation of sanctions imposed by the United Nations" annexed thereto,

Having considered the report of the Special Committee on the work of its session held in 2011,[6]

Noting with appreciation the work done by the Special Committee to encourage States to focus on the need to prevent and to settle peacefully their disputes which are likely to endanger the maintenance of international peace and security,

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[2] Ibid., *Sixty-first Session, Supplement No. 33* (A/61/33), para. 72.

[3] A/66/201.

[4] See resolution 60/1.

[5] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 33* (A/60/33), para. 77.

[6] Ibid., *Sixty-sixth Session, Supplement No. 33* (A/66/33).

1. *Takes note* of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;[6]

2. *Decides* that the Special Committee shall hold its next session from 21 to 28 February and on 1 March 2012;

3. *Requests* the Special Committee, at its session in 2012, in accordance with paragraph 5 of General Assembly resolution 50/52 of 11 December 1995:

(a) To continue its consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations and, in this context, to consider other proposals relating to the maintenance of international peace and security already submitted or which may be submitted to the Special Committee at its session in 2012;

(b) To continue to consider, on a priority basis and in an appropriate substantive manner and framework, the question of the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter based on all of the related reports of the Secretary-General[7] and the proposals submitted on the question;

(c) To keep on its agenda the question of the peaceful settlement of disputes between States;

(d) To consider, as appropriate, any proposal referred to it by the General Assembly in the implementation of the decisions of the high-level plenary meeting of the sixtieth session of the Assembly in September 2005 that concern the Charter and any amendments thereto;

(e) To continue to consider, on a priority basis, ways and means of improving its working methods and enhancing its efficiency with a view to identifying widely acceptable measures for future implementation;

4. *Invites* the Special Committee, at its session in 2012, to continue to identify new subjects for consideration in its future work with a view to contributing to the revitalization of the work of the United Nations;

5. *Notes* the readiness of the Special Committee to provide, within its mandate, such assistance as may be sought at the request of other subsidiary bodies of the General Assembly in relation to any issues before them;

6. *Requests* the Special Committee to submit a report on its work to the General Assembly at its sixty-seventh session;

7. *Recognizes* the important role of the International Court of Justice, the principal judicial organ of the United Nations, in adjudicating disputes among States and the value of its work, as well as the importance of having recourse to the Court in the peaceful settlement of disputes, takes note, consistent with Article 96 of the Charter, of the Court's advisory jurisdiction that may be requested by the General

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Assembly, the Security Council or other authorized organs of the United Nations and the specialized agencies, and requests the Secretary-General to distribute, in due course, the advisory opinions requested by the principal organs of the United Nations as official documents of the United Nations;

8. *Commends* the Secretary-General for the progress made in the preparation of studies of the *Repertory of Practice of United Nations Organs*, including the increased use of the internship programme of the United Nations and further expanded cooperation with academic institutions for this purpose, as well as the progress made towards updating the *Repertoire of the Practice of the Security Council*;

9. *Notes with appreciation* the contributions made by Member States to the trust fund for the updating of the *Repertoire*, as well as the trust fund for the elimination of the backlog in the *Repertory*;

10. *Reiterates its call* for voluntary contributions to the trust fund for the updating of the *Repertoire*, voluntary contributions to the trust fund for the elimination of the backlog in the *Repertory* so as to further support the Secretariat in carrying out the effective elimination of that backlog, as well as the sponsoring, on a voluntary basis, and with no cost to the United Nations, of associate experts to assist in the updating of the two publications;

11. *Calls upon* the Secretary-General to continue his efforts towards updating the two publications and making them available electronically in all their respective language versions and to continue to address, in particular, the backlog in the preparation of volume III of the *Repertory*;

12. *Reiterates* the responsibility of the Secretary-General for the quality of the *Repertory* and the *Repertoire*, and, with regard to the *Repertoire*, calls upon the Secretary-General to continue to follow the modalities outlined in paragraphs 102 to 106 of the report of the Secretary-General of 18 September 1952;[8]

13. *Requests* the Secretary-General to submit to the General Assembly, at its sixty-seventh session, a report on both the *Repertory* and the *Repertoire*;

14. *Also requests* the Secretary-General to brief the Special Committee at its next session on the information referred to in paragraph 11 of his report on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions;[9]

15. *Further requests* the Secretary-General to submit to the General Assembly, at its sixty-seventh session, under the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization", a report on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions;

16. *Decides* to include in the provisional agenda of its sixty-seventh session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

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[8] A/2170.

[9] A/66/213.